

FREDDIE FOUNTAIN §
v. § CIVIL ACTION NO. 6:15cv58
UNKNOWN DEFENDANTS, ET AL. §

The Plaintiff Freddie Fountain, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On May 6, 2015, the magistrate judge issued a report recommending that the lawsuit be dismissed. Fountain did not file objections to this report; instead, he filed a motion asking that his lawsuit be dismissed.

The Court has reviewed the pleadings and the report of the magistrate judge and has determined that while the magistrate judge's report was correct, Fountain's request for voluntary dismissal should be granted. *Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (plaintiff has absolute right to dismiss his complaint under Fed. R. Civ. P. 41(a) prior to the filing of an answer or motion for summary judgment). It is accordingly


ORDERED that the Plaintiff's motion for voluntary dismissal of his lawsuit (docket no. 18) is **GRANTED**. It is further

ORDERED that the that the above-styled civil action be and hereby is **DISMISSED**
WITHOUT PREJUDICE on the motion of the Plaintiff. Fed. R. Civ. P. 41(a). Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby
DENIED.

It is SO ORDERED.

SIGNED this 11th day of June, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE